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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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|-----------------|-------------|----------------------|---------------------|------------------|

10/662,207

09/12/2003

Pan-Gyu Kang

3364P137

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04/28/2006

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EXAMINER

MAI, TRI M

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 04/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/662,207

Applicant(s)

KANG, PAN-GYU

Examiner

Tri M. Mai

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 9-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

### DETAILED ACTION

1. Claims 6, and 9-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11/26/2004.

Applicant further elects Group I: figs. 10A-10B. It is noted that claim 6 is further withdrawn from further consideration since that claim 6 is readable on Fig. 13 as set forth in applicant's response.

2. Claims 5, and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 5 and 8, "I" should be changed to --1--.

3. Claims 1-5, and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson (3941398) in view of Schwartz et al. (3082556). Nelson teaches a golf bag, a body portion, an upper case, a bottom case, and the bag is formed by foamed polyurethane. Nelson meets all claimed limitations except for the bottom plate having a different color from the bottom case. Schwartz teaches that it is known in the art to provide a bottom plate 50 having a different color for a bottom. It would have been obvious to one of ordinary skill in the art to provide a bottom plate in Nelson as taught by Schwartz to provide identification.

Regarding claim 7, the logo in the combination of Nelson in view of Schwartz is a rectangle as claimed.

It is noted that the process does not impart any structure over the golf bag in Nelson.

Regarding claim 8, note the lettering of portion being formed by the embossing process (by die in Fig. 7).

4. Claims 1-5, and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson in view of Hayden (1825692), and further in view of Schwartz. Hayden teaches that it is known in the art to provide a bottom plate indicating the manufacturer. It would have been obvious to one of ordinary skill in the art to provide a bottom plate with indicia as taught by Hayden to indicate the manufacturer.

With respect to the color, it would have been obvious to one of ordinary skill in the art to provide different color of the bottom plate as taught by Schwartz to provide added contrast.

Regarding claim 8, note the lettering of portion being formed by the embossing process (by die in Fig. 7).

Regarding claim 5, note the bottom case of Nelson having holes 26 representing letters or graphics (in this case, letters "o"), and a bottom plate provided with projections 30A, having an identical shape to the hole, and the external portions comprising surface 28.

5. Claims 1-5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson in view of Hamamori (6648137), or in the alternative, under 35 U.S.C. 103(a) as being unpatentable over Hamamori in view of Nelson. Nelson meets all claimed limitations except for the bottom plate. Hamamori teaches that it is known in the art to provide bottom plates 30 having different color (col. 2, ln. 32; col. 4, ln. 21). It would have been obvious to one of ordinary skill in the art to provide a bottom plate in Nelson as taught by Hamamori to prevent slipping (col. 1, ln. 56).

Regarding claim 6, note the surface of portion 28 can be provided with graphics. (col. 4, ln. 21).

In a different interpretation, Hamamori teaches a bottom of a golf bag in Fig. 5 with holes 46 in the bottom and a bottom plate 42. With respect to the bottom plate being a different color, not the different color in fig. 5, It would have been obvious to one of ordinary skill in the art to make the bottom plate from different color to provide the desired material design for the bag.

Regarding claim 5, note the pattern of the holes in Fig. 5 is a graphic patter as claimed. With respect to the projection being fitted in the holes to be exposed to an external portion. The bottom surfaces of portion 44 are inherently exposed to an external portion since they are projecting through holes 46.

In the alternative, it would have been obvious to one of ordinary skill in the art to make the bottom of Nelson from foamed polyurethane to provide an alternative material for the bag.

6. Applicant's arguments filed have been fully considered but they are not persuasive. With respect to the assertion that the bottom of Nelson is no made from polyurethane, it is noted the following teachings (col. 2, ln. 12-16): "The golf bag portion 10 includes an elongate body 16 made of a foamed plastic composition, such as a foamed polyurethane, polyethylene, polystyrene, or foamed epoxy material, i.e., a rigid foamed plastic. The body may be of a molded, one-piece construction". With respect to the rejection of Nelson in view of Hamamori, applicant asserts that there is no motivation to provide the attachments of either portions 20 or 40 in the bag of Nelson. As set forth above, portions 20 are made to prevent slipping and to prevent shock (col. 1, ln. 56-57; col. 2, ln. 16-25) and it can also providing graphics (col. 2, ln. 30-34).

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Furthermore, Hamamori clearly teaches that portion 40 to provide a cushioning properties (col. 2, ln. 35-40).

Applicant also asserts that there is no teaching to provide hole representing letters or graphics, the examiner note that the recitation “letters or graphics” is broad. As set forth above, the holes 26 are letters “o” and the pattern formed by portions 46 constitutes a graphic pattern as claimed.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai  
Primary Examiner  
Art Unit 3727

